IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 16323 of 2007(R)

PETITIONER:

V.J.CHANDRACHOODAN NAIR,
S/O.N.JANARDHANAN PILLAI, AGED 48 YEARS,
HIGHER SECONDARY SCHOOL TEACHER (JUNIOR),
(ENGLISH), CHEMBAKASSERY HIGHER SECONDARY SCHOOL,
BHOOTHAKULAM, KOLLAM - 691 302.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:

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1. THE STATE OF KERALA, REPRESENTED BY THE SECRETARY TO GOVERNMENT, GENERAL EDUCATION DEPARTMENT, SECRETARIAT, TRIVANDRUM.

2. THE DIRECTOR OF HIGHER SECONDARY EDUCATION, HOUSING BOARD BUILDINGS, TRIVANDRUM.

3. THE MANAGER,
CHEMBAKASSERY HIGHER SECONDARY SCHOOL,
BHOOTHAKULAM, KOLLAM - 691 302.

BY GOVERNMENT PLEADER SRI.A.J.VARGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.16323 OF 2007

Dated this the 15th day of June, 2007

JUDGMENT

Petitioner claims that he is the senior most Higher Secondary School Teacher (Junior) now working in the Chembakassery Higher Secondary School in Kollam district. According to the petitioner, he had joined service as High School Assistant in the year 1985 and has been working in the school ever since. He was promoted as Higher Secondary School Teacher (Junior) in 2002.

2. The grievance of the petitioner is that he is not being considered for promotion to the post of Principal only for the reason that he is neither a Higher Secondary School Teacher (Senior) nor a qualified Headmaster which are the two main feeder categories mentioned in Rule 4 of Chapter XXXII KER. Though the petitioner had made an attempt to persuade the Government to consider him for promotion, his attempt had failed as revealed from Ext.P2. Learned counsel submits that petitioner has preferred Ext.P3 review petition highlighting certain other relevant aspects which were not brought to the notice of the

Government at the time when Ext.P2 order was passed. The limited prayer is to issue an appropriate direction to the Government to review Ext.P2 order in the light of Ext.P3 petition. Learned Government Pleader submits that the contentions raised by the petitioner are ex facie untenable. Anyhow, he submits that an appropriate decision will be taken by respondent no.1 on Ext.P3 since it is pending consideration.

3. In the above facts and circumstances, writ petition is disposed of with a direction to respondent no.1 to consider and pass orders on Ext.P3 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within four months from the date of receipt of a copy of this judgment. Needless to mention that petitioner shall be afforded sufficient opportunity to be heard before any decision is taken in the matter. Petitioner shall produce a copy of the writ petition along with a certified copy of the judgment before respondent no.1 for compliance.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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